

1  
2  
3  
4 UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
5 AT TACOMA

6 MATTHEW GANTT,

7 Plaintiff,

8 v.

9 JANET RHOTON,

10 Defendants.

Case No. C19-5352 RBL-TLF

ORDER GRANTING LEAVE TO  
AMEND

11 Plaintiff Matthew Gantt, proceeding *pro se* and *in forma pauperis* in this § 1983  
12 action, previously filed an amended complaint to incorporate more defendants. Dkt. 51.  
13 Plaintiff now brings a “motion to modify” his complaint to correct his mental condition to  
14 major depressive disorder with “psychotic features” and to append evidence to the  
15 complaint. Dkt. 68. The Court construes this to be a second motion for leave to amend.

16 The Court must freely grant a *pro se* plaintiff leave to amend his complaint.  
17 Federal R. of Civ. P. 15(a); see *Sharkey v. O’Neal*, 778 F.3d 767, 774 (9th Cir. 2015).  
18 Yet plaintiff cannot amend his complaint by filing mere addendums or corrections. A  
19 proposed amended complaint must be self-contained or incorporate any externally  
20 alleged facts by reference; any cause of action alleged in the original complaint that is  
21 not alleged in the amended complaint is waived. *Forsyth v. Humana, Inc.*, 114 F.3d  
22 1467, 1474 (9th Cir. 1997), *overruled in part on other grounds*, *Lacey v. Maricopa Cnty.*,  
23 693 F.3d 896 (9th Cir. 2012).

1 Plaintiff is directed to file a second amended complaint **on or before March 2,**  
2 **2020**, which shall, like the first amended complaint, include all of plaintiff's claims  
3 against all intended defendants, all the facts connecting defendants' conduct to  
4 plaintiff's medical claim, and any other relevant facts or allegations of violations of  
5 plaintiff's constitutional rights. It must be legibly rewritten or retyped in its entirety and  
6 contain the same case number. Any independent documents must be attached and  
7 expressly incorporated into the amended complaint – this can be accomplished by  
8 listing any such documents and making a statement in the amended complaint that  
9 those specific attached documents are incorporated by reference.

10 The Court will screen the amended complaint to determine whether it states a  
11 claim for relief cognizable under 42 U.S.C. § 1983. If the amended complaint is not  
12 timely filed or fails to adequately address the issues raised herein, the undersigned will  
13 recommend dismissal of this action as frivolous under 28 U.S.C. § 1915, and the  
14 dismissal will count as a "strike" under 28 U.S.C. § 1915(g). Plaintiff should be aware  
15 that a prisoner who brings three or more civil actions or appeals that are dismissed on  
16 the grounds that they are legally frivolous, malicious, or fail to state a claim, will be  
17 precluded from bringing any other civil action or appeal in forma pauperis, "unless the  
18 prisoner is under imminent danger of serious physical injury." 28 U.S.C. § 1915(g).

1 The Court will therefore **grant** plaintiff's motion for leave to amend. The Clerk is  
2 directed to send Plaintiff the appropriate forms for filing a 42 U.S.C. § 1983 civil rights  
3 complaint and for service, a copy of this Order and the Pro Se Information Sheet.

4 Dated this 31st day of January, 2020.

5  
6  
7 

8 Theresa L. Fricke  
9 United States Magistrate Judge  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25